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17 *Plaintiffs' Interim Co-Lead Class Counsel*

18 [Additional counsel listed on sig. page]

19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **OAKLAND DIVISION**

22 IN RE: NATIONAL COLLEGIATE
23 ATHLETIC ASSOCIATION ATHLETIC
24 GRANT-IN-AID CAP ANTITRUST
25 LITIGATION

CASE NO. 14-md-2541-CW

STIPULATION AND ~~PROPOSED~~
ORDER RE INCORPORATION OF
JOHNSON CLAIMS IN CONSOLIDATED
AMENDED COMPLAINT

26 This Document Relates to:

27 ALL ACTIONS EXCEPT

28 *Jenkins v. Nat'l Collegiate Athletic Ass'n,*
Case No. 4:14-02578-CW

This Document Also Relates to:

Johnson v. Nat'l Collegiate Athletic Ass'n, et
al., Case No. 4:14-cv-5126-CW

1 WHEREAS on November 26, 2014 the Court ordered *Johnson v. National Collegiate*
 2 *Athletic Association, et al.*, Case No. 4:14-cv-05126 (the “*Johnson Action*”), related to this Multi-
 3 District Litigation entitled *In Re: National Collegiate Athletic Association Athletic Grant-In-Aid*
 4 *Cap Antitrust Litigation* (MDL Dkt. 66);

5 WHEREAS Counsel for the Plaintiffs in the *Johnson Action* agrees by this stipulation to
 6 add the *Johnson Action* Plaintiffs Mr. Johnson, Mr. Brunetti, and Mr. Stephens and their claims to
 7 the Consolidated Amended Complaint in this MDL; and

8 WHEREAS Defendants have previously answered the Consolidated Amended Complaint
 9 (MDL Dkt. 145-149, 151, 154, 156, 158-161).

10 THEREFORE, the MDL Plaintiffs’ Interim Co-Lead Class Counsel, counsel for the
 11 Plaintiffs in the *Johnson Action*, and all Defendants’ counsel hereby stipulate and agree that
 12 Plaintiffs Kenyata Johnson, Barry Brunetti, and Dalenta Jameral “D.J.” Stephens shall be treated as
 13 additional plaintiffs in the MDL action’s Consolidated Amended Complaint (MDL Dkt. 60), and
 14 that the *Johnson Complaint* shall be deemed amended and replaced by the Consolidated Amended
 15 Complaint and paragraphs 24-34 of the *Johnson Complaint* describing Plaintiffs Kenyata Johnson
 16 and Barry Brunetti are hereby incorporated into the Consolidated Amended Complaint as
 17 paragraphs 117E-O, and paragraphs 35-39 of the *Johnson Complaint* describing Plaintiff Dalenta
 18 Jameral “D.J.” Stephens are hereby incorporated into the Consolidated Amended Complaint as
 19 paragraphs 128A-E.

20 Plaintiffs’ Interim Co-Lead Class Counsel, counsel for the Plaintiffs in the *Johnson Action*,
 21 and all Defendants’ counsel further stipulate and agree that Defendants’ Answers to the
 22 Consolidated Amended Complaint shall be deemed amended to respond to paragraphs 117E-O and
 23 paragraphs 128A-E to state that: (i) each Defendant lacks sufficient knowledge or information to
 24 form a belief as to the truth of the allegations in paragraph 117E-I, 117K-N, and paragraphs 128A-
 25 D and on that basis denies them; (ii) each Defendant denies the allegations in paragraphs 117J,
 26 117O, and 128E. By virtue of the above described amendment and incorporation, Defendants are
 27 relieved of any further obligation to respond separately to the *Johnson Complaint*.

1 The undersigned Interim Co-Lead Class Counsel, Bruce L. Simon, hereby attests that
2 counsel for Plaintiffs and Defendants have concurred in the filing of this stipulation, in accordance
3 with Local Rule 5-1(i)(3).

4 DATED: December 29, 2014

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1 **PURSUANT TO STIPULATION,**
2 **IT IS SO ORDERED.**

3 DATED: 1/5/2015

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5 
6 THE HON. CLAUDIA WILKEN
7 UNITED STATES DISTRICT JUDGE
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